

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

IN RE:

**ROBERT E. HICKS,
DEBTOR.**

**PETER J. BARRETT, IN HIS CAPACITY
AS CHAPTER 7 TRUSTEE OF THE
BANKRUPTCY ESTATE OF ROBERT E.
HICKS,**

MOVANT,

V.

**FRANKLIN AMERICAN MORTGAGE
COMPANY, A TENNESSEE
CORPORATION,**

AND

**CITIZENS AND FARMERS BANK,
RESPONDENTS.**

Chapter 7
Case No. 18-30214-KLP

Contested Matter

**ORDER GRANTING THE MOTION OF CHAPTER 7 TRUSTEE FOR (I) AUTHORITY
TO SELL PROPERTY OF THE ESTATE AT PRIVATE SALE FREE AND CLEAR OF
ALL LIENS, CLAIMS, RIGHTS, AND INTERESTS PURSUANT TO 11 U.S.C. § 363
AND BANKRUPTCY RULE 6004; (II) AUTHORITY RELATED TO CLOSING AND**

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the Bankruptcy Estate of Robert E. Hicks*

DISTRIBUTION OF SALE PROCEEDS; (III) APPROVAL OF COMPENSATION AND EXPENSES OF TRUSTEE'S BROKER; AND (IV) RELATED RELIEF

Upon the motion (the “**Motion**”)¹ of Peter J. Barrett, Trustee (the “**Trustee**”), the Chapter 7 Trustee for the bankruptcy estate of Robert E. Hicks (the “**Debtor**”), seeking authorization granting the Trustee (i) the authority to sell property of the estate at private sale, free and clear of all liens, claims, rights, and interests pursuant to 11 U.S.C. § 363 and Federal Rule of Bankruptcy Procedure (“**Bankruptcy Rule**”) 6004, (ii) authority related to the closing and the distribution of the sale proceeds, (iii) approval of the compensation and expenses of the Trustee’s Broker, and (iv) related relief [Docket No. 158]; and the Court having considered the pleadings, evidence, and/or arguments of counsel; and the Court having jurisdiction to consider the Motion and the relief requested therein pursuant to 28 U.S.C. §§ 157 and 1334; and consideration of the Motion and the relief requested therein being a core proceeding pursuant to 28 U.S.C. §157(b); and venue being proper before the Court pursuant to 28 U.S.C. §§ 1408 and 1409; and proper notice of the Motion having been provided to all necessary and appropriate parties; and for good and sufficient cause shown, IT IS HEREBY ADJUDGED, ORDERED, AND DECREED THAT:

1. The Motion is GRANTED and the Contract of Sale is APPROVED.
2. The Trustee is hereby authorized, but not directed:
 - a. To sell the Property located at 3232 Grove Avenue, Richmond, Virginia 23221 and more specifically described as:

ALL that certain lot, piece or parcel of land, together with all improvements thereon and appurtenances thereto belonging, known, numbered and designated as No. 3232 Grove Avenue, lying and being in the City of Richmond, Virginia, and described as follows:

BEGINNING at the northeastern intersection of Grove Avenue and Tilden Street, thence running eastwardly along and fronting on the north line of Grove Avenue 33 feet and extending back northwardly from said from

¹ Capitalized terms not defined herein shall have the meanings ascribed to them in the Motion.

between the east line of Tilden Street and a line parallel therewith 140 feet to an alley 12 feet wide, all as shown on the plot of survey by A.G. Harocopos & Associates, P.C., Certified Land Surveyor and Consultant, dated April 29, 1992, attached to and made a part of the Deed in Deed Book 302, page 1875, and to which plat reference is hereby made for a more particular description of the property hereby conveyed.

BEING the same real estate conveyed to Robert E. Hicks and April G. Straus from April G. Straus by Deed Dated January 12, 2015 and recorded simultaneously herewith.

at private sale to the Buyer, free and clear of all liens, claims, rights, and interests pursuant to 11 U.S.C. § 363 and Bankruptcy Rule 6004, the closing to occur on or about December 16, 2019 with the Liens and Claims attaching to the sale proceeds;

- b. To exercise the requisite authority related to the closing and the distribution of the sale proceeds, including but not limited to the authority to sign and deliver the Trustee's Special Warranty Deed and other usual and customary documents necessary for closing the sale, and to pay or authorize credits from the proceeds of the sale to the following:
 - i. The first Deed of Trust of Franklin American Mortgage Company for \$559,702.05;
 - ii. The second Deed of Trust of Citizens and Farmers Bank for \$67,000.00;
 - iii. \$15,000.00 to April Straus;
 - iv. \$46,500.00, which is 6% of the Purchase price (\$23,250.00 to Blue Dog Realty (the "Trustee's Broker") and \$23,250.00 to the Buyer's agent at Long and Foster Realtors), and \$18,304.00 in reimbursement of actual, necessary expenses to the Trustee's Broker;
 - v. Taxes and usual and customary closing costs; and
- c. To retain any remaining proceeds of the sale for distribution pursuant to the Bankruptcy Code.

3. Notwithstanding any Bankruptcy Rule to the contrary, this Order shall be immediately effective and enforceable upon its entry, and any applicable stay of this Order is waived in its entirety.

4. This Court shall retain jurisdiction to hear and determine all matters arising from and/or related to the interpretation and/or implementation of this Order.

Dated: Dec 19 2019

/s/ Keith L. Phillips
United States Bankruptcy Judge

Entered on Docket: Dec 19 2019

We ask for this:

/s/ Robert S. Westermann

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Seen and agreed:

/s/ Michael Freeman (signature authorized)

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Counsel for Franklin American Mortgage Co.

/s/ Jennifer J. West (signature authorized)

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Certification under Local Rule 9022-1

I hereby certify that a copy of this Order has been served on and/or endorsed by all necessary parties.

/s/ Robert S. Westermann

Robert S. Westermann